

## § 981.472

## 7 CFR Ch. IX (1-1-11 Edition)

### § 981.472 Report of almonds received.

(a) Each handler shall report to the Board, on or before the 5th calendar day of each month, on ABC Form 1, the total adjusted kernel weight of almonds, by variety, received by it for its own account for the preceding month.

(b) [Reserved]

[58 FR 34696, June 29, 1993, as amended at 61 FR 32922, June 26, 1996; 62 FR 37488, July 14, 1997; 64 FR 18802, Apr. 16, 1999]

### § 981.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and for marketing policy considerations, the information listed and described in this section. Such information shall be reported within the applicable times specified in § 981.73 on forms provided by the Board.

(a) *Handler carryover.* Report the weight of all almonds, whether unshelled or shelled, wherever located, held by the handler for the handler's own account, whether or not sold.

(b) *Delivered sales.* Report the weight of salable almonds sold and delivered (shipments), showing the weight, and whether unshelled or shelled, including those disposed of pursuant to the requirements for reserve disposition, or used in almond products.

(c) *Transfers.* A report of almonds transferred to another handler showing the weight of each lot transferred, whether unshelled or shelled.

(d) *Remaining inedible obligation.* Report the quantity of almonds the handler intends to deliver to Board approved outlets to meet the disposition obligation pursuant to § 981.42(a).

[42 FR 19322, Apr. 13, 1977, as amended at 42 FR 56488, Oct. 26, 1977; 58 FR 34696, June 29, 1993]

### § 981.474 Other reports.

(a) *Report of shipments and commitments.* Each handler shall report on ABC Form 25-1 all shipments of almonds, inshell, shelled, and products by classification (domestic and export by countries of destination); and on ABC Form 25-2 all commitments (almonds not shipped, but sold or otherwise obligated) whether domestic contract, export contract, or non-contract.

If the destination of any export is unknown to the handler, such handler shall have the broker/exporter furnish this information to the Board. In support of this report, the handler shall keep invoices on the shipments, or such other documentation as may be acceptable to the Board. The reports shall be received by the Board within five calendar days after the close of each month of the crop year.

(b) *Reserve reports.* In any crop year when reserve almonds are diverted to noncompetitive outlets, such handler shall report such handler's intentions to divert on ABC Form 13 and the completion of diversion on ABC Form 14. Upon notice to all handlers, the Board may waive the requirements to file ABC Form 13 for diversion of almonds to noncompetitive outlets which are acceptable to the Board.

(c) *Handler information reports.* Each handler shall file no later than September 1 of each year ABC Form 42, a Handler Information Sheet, listing the handler's name, address, phone number, ownership or corporate information and acknowledging receipt of marketing order program information.

[50 FR 47709, Nov. 20, 1985, as amended at 51 FR 9763, Mar. 21, 1986; 54 FR 5409, Feb. 3, 1989; 58 FR 34696, June 29, 1993]

### § 981.481 Interest and late payment charges.

(a) Pursuant to § 981.481, the Board shall impose an interest charge on any handler whose assessment payment has not been received in the Board's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service, within 30 days of the invoice date shown on the handler's statement. The interest charge shall be a rate of one and one half percent per month and shall be applied to the unpaid assessment balance for the number of days all or any part of the unpaid balance is delinquent beyond the 30 day payment period.

(b) In addition to the interest charge specified in paragraph (a) of this section, the Board shall impose a late payment charge on any handler whose payment has not been received in the Board's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service,

## Agricultural Marketing Service, USDA

Pt. 982

within 60 days of the invoice date. The late payment charge shall be 10 percent of the unpaid balance.

[61 FR 64603, Dec. 6, 1996]

### PART 982—HAZELNUTS GROWN IN OREGON AND WASHINGTON

#### Subpart—Order Regulating Handling

##### DEFINITIONS

- Sec.
- 982.1 Secretary.
- 982.2 Act.
- 982.3 Person.
- 982.4 Hazelnuts.
- 982.5 Area of production.
- 982.6 Grower.
- 982.7 To handle.
- 982.8 Handler.
- 982.11 Pack.
- 982.12 Merchantable hazelnuts.
- 982.13 Substandard hazelnuts.
- 982.14 Restricted hazelnuts.
- 982.15 Inshell handler carryover.
- 982.16 Inshell trade acquisitions.
- 982.17 Marketing year.
- 982.18 Board.
- 982.19 Disappearance.
- 982.20 Part and subpart.

##### HAZELNUT CONTROL BOARD

- 982.30 Establishment and membership.
- 982.31 Grower districts.
- 982.32 Initial members and nomination of successor members.
- 982.33 Selection and term of office.
- 982.34 Qualification.
- 982.35 Vacancy.
- 982.36 Alternates.
- 982.37 Procedure.
- 982.38 Powers.
- 982.39 Duties.

##### MARKETING POLICY

- 982.40 Marketing policy and volume regulation.
- 982.41 Free and restricted percentages.

##### GRADE AND SIZE REGULATION

- 982.45 Establishment of grade and size regulations.
- 982.46 Inspection and certification.

##### CONTROL OF DISTRIBUTION

- 982.50 Restricted obligation.
- 982.51 Restricted credit for ungraded inshell hazelnuts and for shelled hazelnuts.
- 982.52 Disposition of restricted hazelnuts.
- 982.53 Substandard hazelnuts.
- 982.54 Deferment of restricted obligation.
- 982.55 Exchange of certified merchantable hazelnuts withheld.
- 982.56 Interhandler transfers.

- 982.57 Exemptions.

##### MARKET DEVELOPMENT

- 982.58 Research, promotion, and market development.

##### EXPENSES AND ASSESSMENTS

- 982.60 Expenses.
- 982.61 Assessments.
- 982.62 Accounting.
- 982.63 Contributions.

##### RECORDS AND REPORTS

- 982.64 Creditable promotion and advertising reports.
- 982.65 Carryover reports.
- 982.66 Shipment reports.
- 982.67 Reports of disposition of restricted hazelnuts.
- 982.68 Other reports.
- 982.69 Verification of reports.
- 982.70 Confidential information.
- 982.71 Records.

##### MISCELLANEOUS PROVISIONS

- 982.80 Right of the Secretary.
- 982.81 Personal liability.
- 982.82 Separability.
- 982.83 Derogation.
- 982.84 Duration of immunities.
- 982.85 Agents.
- 982.86 Effective time, termination or suspension.
- 982.87 Effect of termination or amendment.
- 982.88 Amendments.

#### Subpart—Grade and Size Regulation

- 982.101 Grade requirements for shelled hazelnuts.

#### Subpart—Free and Restricted Percentages

- 982.254 Free and restricted percentages—2006-2007 marketing year.
- 982.255 Free and restricted percentages—2007-2008 marketing year.

#### Subpart—Assessment Rates

- 982.340 Assessment rate.

#### Subpart—Administrative Rules and Regulations

- 982.446 Inspection documentation.
- 982.450 Application of restricted obligation.
- 982.452 Disposition of restricted hazelnuts.
- 982.453 Disposition of substandard hazelnuts.
- 982.454 Sureties acceptable to the Board.
- 982.455 Exchange of certified merchantable hazelnuts withheld.
- 982.456 Interhandler transfers.
- 982.460 Transfer of excess restricted credits.
- 982.461 Late payment and interest charges.